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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,962	02/09/2001	Erik James Reed	40406/DJS/Y62	6926

23363 7590 06/04/2004
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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT PAPER NUMBER

2154

5

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,962

Applicant(s)

REED, ERIK JAMES

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 37-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-54 are presented for examination. Claims 37-54 have been withdrawn for further consideration.

Election/Restrictions

1. Restriction to one of the following invention is required under 35 U.S.C. 121:

- I. Claims 1-36, drawn to verification database storing identification information of audio media, classified in class 707, subclass 10.
- II. Claims 37-41 and 46-51 drawn to generating a songprint identifier, classified in class 380, subclass 28.
- III. Claims 42-47 and 49, drawn to selecting and storing sets of digitized content, classified in class 707, subclass 100.
- IV. Claims 48 and 50-54, drawn to selecting a set of digitized content from a verification database using the lowest root mean square difference, classified in class 713, subclass 176.

2. Inventions I - IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as lacking generating a songprint identifier, selecting and storing sets of digitized content, selecting a set of digitized content from a verification database using the lowest root mean square difference, particulars. Invention II has separate utility such as lacking the selecting and storing sets of digitized content, selecting a set of digitized content from a verification database using the lowest root mean square difference, particulars. Invention III has separate utility such as lacking the selecting a set of digitized content from a verification database using the lowest root mean square difference, particulars. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with David Steele on 05/19/04 a provisional election was made without traverse to prosecute the invention of group I, claims 1-36. Affirmation of this election must be made by applicant in replying to this Office action. Claims 37-54 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent (by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurtado et al. (6,611,812) (hereinafter Hurtado).

10. As per claim 1, Hurtado discloses in a system comprising a communications network connecting a plurality of network servers and a plurality of computers, a network server comprising:

a verification database comprising (col 26, lines 45-65, and col 31, lines 55-64);

at least one master table of contents identifier corresponding to each of a plurality of sets of digitized content (col 20, lines 14-18 and col 31, lines 55-64); and

at least one master songprint identifier (col 12, lines 17-25)
corresponding to each of the plurality of sets of digitized content (col 31,
lines 55-58); and

wherein the network server is programmed to (fig 9, col 74, line 60);
receive at least one of a plurality of selections of table of contents
identifiers from at least one of the plurality of computers (col 25, lines 24-38
and col 31, lines 40-67);

receive at least one of a plurality of songprint identifiers from the at
least one of the plurality of computers (col 25, lines 50-67).

11. As per claims 2 and 30, Hurtado discloses to receive one selection of
table of content identifiers from the at least one of the plurality of computers
(fig 6, col 25, lines 24-38 and col 31, lines 40-67).

12. As per claims 3 and 31, Hurtado discloses to receive a songprint
identifiers from the at least one of the plurality of computers (fig 6, col 25,
lines 24-38 and col 31, lines 40-67).

13. As per claim 4, Hurtado discloses wherein the table of content
identifiers comprised of a concatenation of the lengths of the sets of digitized

content (fig 16, col 61, lines 25-29).

14. As per claim 5, Hurtado discloses to request at least one of a plurality of regions of digitized content from the at least one of the plurality of computers (fig 16, col 95-96).

15. As per claim 6, Hurtado discloses to request one region of digitized content from the at least one of the plurality of computers (col 95-96).

16. As per claim 7, Hurtado discloses the request for one or more regions of digitized content is generated as a function of a pseudo-random sequence (track content, col 14, lines 56-60).

17. As per claim 8, Hurtado discloses the pseudo-random sequence is a function of a network address of the at least one of the plurality of computers (col 14, lines 24-67).

18. As per claim 9, Hurtado discloses wherein the pseudo-random sequence is a function of the time of day (col 93, lines 61-67).

19. As per claim 10, Hurtado discloses wherein the pseudo-random sequence is a function of both a network address of at least one of the plurality of computers and the time of day (user identification, col 94, lines 3-13).

20. As per claim 11, Hurtado discloses wherein the request for regions of digitized content is further comprised of a request for at least one of a plurality of decoy regions of digitized content from the at least one of the plurality of computers (user interface, col 88, lines 29-51).

21. As per claim 12, Hurtado discloses wherein the request for at least one of a plurality of decoy regions of digitized content is a function of a pseudo-random sequence (HTML pages, col 88, lines 33-51).

22. As per claim 13, Hurtado discloses wherein the pseudo-random sequence is a function of a network address of the at least one of the plurality of computers (URL, col 88, lines 52-67).

23. As per claim 14, Hurtado discloses wherein the pseudo-random sequence is comprising a function of the time of day (col 43, lines 35-40).

24. As per claim 15, Hurtado discloses wherein the pseudo-random sequence is comprising a function of both a network address of the at least one of the plurality of computers and the time of day (URL, col 88, lines 33-51),.

25. As per claim 16, Hurtado discloses wherein the request for one or more than regions of digitized content is further comprised of only one non-decoy region of digitized content from the at least one of the plurality of computers (content player, col 90, lines 55-64).

26. As per claim 17, Hurtado discloses wherein the verification database is further comprised of only one master table of contents identifier for each of a corresponding plurality of sets of digitized content (digital content library, col 95, lines 8-29).

27. As per claim 18, Hurtado discloses wherein the verification database is further comprised of only one master songprint identifier for each of a corresponding plurality of sets of digitized content (col 12, lines 17-25 and col 31, lines 55-64)

28. As per claims 19 and 32, Hurtado discloses further programmed to verify whether the received table of content identifier correlates with the master table of content identifier (col 31, lines 55-64).

29. As per claims 20, 24, 28 and 33, Hurtado discloses to verify whether the received table of content identifiers correlates perfectly with the master table of content identifier (col 31, lines 55-64).

30. As per claims 21, Hurtado discloses programmed to verify whether the received songprint identifiers correlates with the master songprint identifier (col 31, lines 55-64 and col 12, lines 17-25).

31. As per claims 22, 26, 34, and 35, Hurtado discloses further programmed to verify whether the received songprint identifier correlates perfectly with any master songprint identifier (col 31, lines 55-64 and col 12, lines 17-25).

32. As per Claim 23, 25, 27 and 29 are rejected based on the same reasoning as claim 1, in addition to Hurtado discloses as a function of whether or not the received selections of table of content identifiers

correlate with the master table of content identifier (col 31, lines 55-64 and col 12, lines 17-25),

request at least one of a plurality of regions of digitized content from the at least one of plurality of computers (HTML pages, col 88, lines 33-51).

33. As per claim 36, Hurtado discloses In an electronic device containing one or more sets of digitized content stored on a medium, the method of generating table of contents identifiers comprising the steps:

reading table of contents data from the medium (col 67, lines 54-65);

computing a cryptographic (col 30-40) hash value (col 42, lines 40-41) of the concatenation of the lengths of each track (col 14, lines 56-57) on the medium (col 41, lines 5-67); and

truncating the cryptographic (col 16, line 7) hash value (col 17, lines 8-16).

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S Patent 6,031,795 to Wehmeyer et al.

U.S. PUB 2002/0111912 to Hunter et al.

U.S. Patent 6,021203 to Douceur et al.

US. Patent 6,535,854 to Buchner et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS



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